

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH BRODIE, et al.,	:	
	:	
Plaintiffs,	:	
	:	22 Civ. 3821 (LGS)
-against-	:	
	:	
WARDEN WILLIAM S. PLILER,	:	<u>ORDER</u>
	:	
Defendant.	:	
	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on May 10, 2022, Petitioner Joseph Brodie filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (the “Petition”), seeking an order directing the Government to apply an additional 20 days of First Step Act (“FSA”) Time Credits to his sentence or, in the alternative, directing the Government to release him immediately;

WHEREAS, on November 7, 2022, the Court granted the Petition in part and denied it in part, directing the Government to calculate Petitioner’s First Time Credits without regard to its prior policy that Petitioner challenged that limited the calculation of Time Credits, but denying Petitioner’s request to apply those credits automatically toward supervised release as opposed to prerelease custody, and directing the Government to file a status letter stating how many additional Time Credits it calculated and whether it would exercise its discretion pursuant to 18 U.S.C. § 3624(g)(3) to transfer Petitioner to supervised release earlier based on those time credits;

WHEREAS, on November 21, 2022, Petitioner filed a motion for emergency relief, seeking the same relief as in the original Petition on the grounds that the Government had interfered in the proper calculation of his Time Credits;

WHEREAS, on November 28, 2022, the Government filed a status letter stating that it had calculated additional Time Credits for Petitioner, that the Government would exercise its

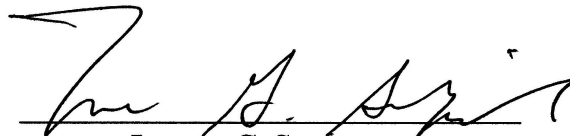
discretion to transfer Petitioner to supervised release twenty days earlier than it previously had committed to -- i.e., it would apply the statutory maximum of 365 days of FSA Time Credits toward supervised release -- and that the application of the additional Time Credits calculated beyond 365 days is moot because Petitioner had already been transferred to prerelease custody;

WHEREAS, the primary relief Petitioner seeks in both his Petition and in his motion dated November 21, 2022, has now been granted, and Petitioner will be transferred from prerelease custody to supervised release at the earliest possible date under the statute. It is hereby

**ORDERED** that, since the Government has granted Defendant the relief he requested, Defendant's motion dated November 21, 2022, is DENIED as moot.

The Clerk of Court is respectfully directed to close the motion at Dkt. No. 22 and close the case.

Dated: November 29, 2022  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**